

STATE OF COLORADO

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Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

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Dear Physician:

As a physician that has submitted a physician certification form for one or more patients to the Colorado Medical Marijuana Registry, we would like to inform you of a change in our process for plant/ounce count recommendations in excess of the constitutional standard of six plants and two ounces per patient. The Colorado Constitution, Article XVIII, Section 14, paragraph 4 states:

(a) A patient may engage in the medical use of marijuana, with no more marijuana than is medically necessary to address a debilitating medical condition. A patient's medical use of marijuana, within the following limits, is lawful:

(I) No more than two ounces of a usable form of marijuana; and

(II) No more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

(b) For quantities of marijuana in excess of these amounts, a patient or his or her primary care-giver may raise as an affirmative defense to charges of violation of state law that such greater amounts were medically necessary to address the patient's debilitating medical condition.

All physician certification forms with a recommendation above the constitutional standard will be reviewed by a public health physician to determine medical necessity. If medical necessity is not evident, the patient's record(s) in the registry will be adjusted to the constitutional standard of six plants and two ounces. The types of information we expect to review when establishing medical necessity for increased plants/ounces includes documentation of objective metrics of safety and efficacy. Examples include patient progress notes detailing dose related effects; lab results, and diagnostic testing results (e.g. EEG reports for patients with epilepsy). In addition, we will also be asking physicians to submit or reference published peer-reviewed studies supporting the medical necessity for recommended increased amounts for specified conditions.

If you feel that your patient(s) require more than the standard plant/ounce count, and you are able to provide the type of documentation referenced above, your patient(s) must submit the required medical documentation with their application packet. The application will be submitted for physician review which may increase the time it takes to process the patient's application.

If you have any questions about this change in our review process, please email physicianreview@state.co.us.

Regards,

Larry Wolk, MD, MSPH
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Colorado Department of Public Health and Environment